



Entered on Docket
February 02, 2010

A handwritten signature in dark ink, appearing to read "Linda B. Riegler".

Hon. Linda B. Riegler
United States Bankruptcy Judge

WILDE & ASSOCIATES

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The Bank of New York Mellon, fka The Bank of New York as Successor in interest to JP Morgan Chase

Bank NA as Trustee for Structured Asset Mortgage Investments II Inc. Bear Stearns ALT-A Trust 2005-

7 Mortgage Pass-Through Certificates, Series 2005-7

09-75445

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In Re:

Kyong-He Leary

Debtor

BK-09-12382-lbr

Date: 12/30/09

Time: 10:00am

Chapter 13

ORDER VACATING AUTOMATIC STAY

1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Automatic Stay in the
2 above-entitled bankruptcy proceedings is immediately vacated and extinguished for all purposes as to
3 Secured Creditor The Bank of New York Mellon, fka The Bank of New York as Successor in interest
4 to JP Morgan Chase Bank NA as Trustee for Structured Asset Mortgage Investments II Inc. Bear
5 Stearns ALT-A Trust 2005-7 Mortgage Pass-Through Certificates, Series 2005-7, its assignees and/or
6 successors in interest, of the subject property, generally described as 22015 N. Arrellaga Drive, Sun
7 City, AZ 85374, and legally described as follows:
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9 Lot 91, of Unit H - Sierra Madre at Corte Bella Country Club, according
10 to the plat of record in the Office of the County Recorder of Maricopa
County, Arizona, recorded in book 672 of Maps, Page 33.

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1 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Secured Creditor shall give
2 Debtor at least seven business days' notice of the time, place and date of sale.

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Secured Creditor hereby
4 withdraws its secured Proof of Claim filed in this matter. The Secured Creditor shall notify the Trustee of
5 the completion of the foreclosure sale. If applicable, Secured Creditor may thereafter amend its secured
6 Proof of Claim to an unsecured Proof of Claim no later than forty-five (45) days after the foreclosure sale.

7 DATED this ____ day of _____, 2010.

8 Submitted by:

9 **WILDE & ASSOCIATES**

10 By: /s/Gregory L. Wilde, Esq

11 **Gregory L. Wilde, Esq.**

12 Attorney for Secured Creditor

13 208 South Jones Boulevard

Las Vegas, Nevada 89107

14 APPROVED / DISAPPROVED

15 By: _____

16 **Michael J. Dawson**

515 South 3rd Street

17 Las Vegas, NV 89101

Attorney for Debtor(s)

18
19 APPROVED / DISAPPROVED

20 By: _____

21 **Lenard E Schwartzer**

2850 S. Jones Blvd. #1

22 Las Vegas, NV 89146

Chapter 13 Trustee

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1 In accordance with Local Rule 9021, the undersigned counsel certifies as follows (check one):

2 ☐ The court waived the requirements of LR 9021.

3 ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.

4 ☐ No parties appeared or filed written objections, and the trustee is the movant.

5 ☒ This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have delivered a
6 copy of this proposed order to all counsel who appeared at the hearing, and any trustee
7 appointed in this case, any unrepresented parties who appeared at the hearing, and each has
8 approved or disapproved the order, or failed to respond, as indicated below:

9 Debtor's counsel:

10 ☐ approved the form of this order ☐ disapproved the form of this order

11 ☐ waived the right to review the order and/or ☒ failed to respond to the document

12 ☐ appeared at the hearing, waived the right to review the order

13 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

14 Trustee:

15 ☐ approved the form of this order ☐ disapproved the form of this order

16 ☐ waived the right to review the order and/or ☒ failed to respond to the document

17 ☐ This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order to all
18 counsel who appeared at the hearing, and any trustee appointed in this case any unrepresented
19 parties who appeared at the hearing, and each has approved or disapproved the order, or failed to
20 respond, as indicated below.

21 Debtor's counsel:

22 ☐ approved the form of this order ☐ disapproved the form of this order

23 ☐ waived the right to review the order and/or ☐ failed to respond to the document

24 ☐ appeared at the hearing, waived the right to review the order

25 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

26 Trustee:

☐ approved the form of this order ☐ disapproved the form of this order

☐ waived the right to review the order and/or ☐ failed to respond to the document

☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed
written objection.

Submitted by:

/s/ Gregory L. Wilde, Esq.

Gregory L. Wilde, Esq.

Attorney for Secured Creditor